

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

WILLIAM GENE EATON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-06-566-M
)	
OKLAHOMA COUNTY SHERIFF'S)	
DEPARTMENT, et al.,)	
)	
Defendants.)	

ORDER


On July 13, 2006, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation in this action. The Magistrate Judge recommended: (1) that plaintiff's objection to the notice of removal be denied; (2) in the event the Report and Recommendation is adopted, that the action be remanded if within twenty (20) days of any order adopting the Report and Recommendation, plaintiff files an amended petition that eliminates any reference to his rights under the United States Constitution or federal law, and (3) that defendants be ordered to provide the Court with a copy of plaintiff's May 22, 2006 motion to amend filed in the District Court of Oklahoma County, Case No. CJ-2003-7959 and that defendants be ordered to respond to the motion. Plaintiff was advised of his right to object to the Report and Recommendation by August 2, 2006. On July 27, 2006, plaintiff filed his objection.

Having carefully reviewed this matter de novo, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on July 13, 2006;
- (2) DENIES plaintiff's objection to the notice of removal [docket no. 5]; if, however, plaintiff files an amended petition that eliminates any reference to his rights under the United States Constitution or federal law within twenty (20) days of the date of this Order, this action shall be remanded;

- (3) ORDERS defendants to provide the Court with a copy of plaintiff's May 22, 2006 motion to amend filed in the District Court of Oklahoma County, Case No. CJ-2003-7959 within ten (10) days of the date of this Order and ORDERS defendants to respond to the motion to amend within fifteen (15) days of the date of this Order; and
- (4) RECOMMITS this action to the Magistrate Judge for further proceedings.¹

IT IS SO ORDERED this 8th day of August, 2006.


VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE

¹On July 27, 2006, plaintiff filed a motion for the appointment of counsel to represent him [docket no. 10]. Because this Court is recommitting this action to the Magistrate Judge for further proceedings, the Court finds that it would be more appropriate for the Magistrate Judge to address the motion for appointment of counsel.